

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DISPLAY TECHNOLOGIES, LLC,

Plaintiff,

v.

DISPLAY INDUSTRIES, LLC,

Defendant.

Civil Action No. 11-cv-6390

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Display Technologies, LLC (“Display Technologies”), by and through its attorneys, for its Complaint against Display Industries, LLC, states and alleges as follows:

PARTIES

1. Display Technologies is a limited liability company, organized under the laws of Delaware, having its principal place of business at 111-01 14th Avenue, College Point, New York 11356.

2. Upon information and belief, defendant Display Industries LLC (“Defendant” or “DI”) is a limited liability company, organized under the laws of Georgia, having a principle place of business at 5850 Peachtree Industrial Blvd., Norcross, Georgia 30071-1413.

3. Upon information and belief, Defendant DI is registered with the New York Department of State to do business in the State of New York.

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JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This court has personal jurisdiction over Defendant DI under New York CPLR Sections 301 and 302 because Defendant DI directly or through agents regularly and systematically conducts and transacts business within the State of New York, has committed tortious acts within this State, and has committed tortious acts without this State causing injury to Display Technologies in this State, including, but not limited to, by selling, offering to sell, and distributing infringing products to customers in the State of New York.

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(c) and 1400.

THE PATENT IN SUIT

7. Display Technologies is the owner by assignment of United States Patent No. 5,645,176 (“the ’176 Patent”), entitled “Display Rack With Channel Front Member” which was duly issued on July 8, 1997. A Reexamination Certificate for the ’176 Patent was duly issued on November 5, 2002. A true and correct copy of the ’176 Patent is attached as Exhibit A.

8. Display Technologies holds all exclusive rights in and to the ’176 Patent, including the right to bring suit to enforce the ’176 Patent.

FACTUAL BACKGROUND

9. Plaintiff Display Technologies provides products and services to some of the most respected brands and retailers in the world, such as Coca-Cola, PepsiCo, Kroger and 7-Eleven. These products and services include the design and sale of display products for use in connection

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with the sale of beverage and food products, such as specialized racks for use inside refrigerated cases.

10. Defendant DI, with knowledge of the '176 Patent, has made, used, offered to sell and sold display racks for use inside refrigerated cases, including, but not limited to products sold under the UltraTracker® name (collectively, the "Infringing Products") which infringe the '176 Patent in violation of 35 U.S.C. § 271.

11. Defendant DI has been and is knowingly and willfully infringing and/or inducing infringement of the '176 Patent.

FIRST CAUSE OF ACTION

12. The allegations of the forgoing paragraphs of this Complaint are incorporated by reference herein as if restated in full.

13. Defendant DI has infringed, actively induced and/or contributed to the infringement of the '176 Patent by making, causing to be made, using, causing to be used, offering to sell, causing to be offered for sale, selling, and/or causing to be sold Infringing Products that infringe one or more claims of the '176 Patent.

14. The Infringing Products meet each and every limitation of at least one claim of the '176 Patent either literally or under the doctrine of equivalents.

15. Defendant DI has willfully and continues to willfully infringe the '176 Patent.

16. Display Technologies has suffered, and will continue to suffer, injury and irreparable harm as a result of the Defendant's past and continuing infringement of the '176 Patent and is without any adequate remedy at law.

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DEMAND FOR RELIEF

WHEREFORE, plaintiff Display Technologies requests entry of judgment against Defendant DI as follows:

- A. Determining that Defendant DI is liable to Display Technologies for infringement of the '176 Patent;
- B. Preliminarily and permanently enjoining Defendant DI and its agents, and persons acting in concert with Defendant DI, from further infringement of the '176 Patent;
- C. Awarding Display Technologies damages to compensate for the Defendant's past infringement;
- D. Determining that Defendant DI's infringement was willful and awarding enhanced damages pursuant to 35 U.S.C. § 284;
- E. Awarding plaintiff its attorneys fees under 35 U.S.C. § 285;
- F. Granting such other and further relief as the Court may find just and equitable.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 36, plaintiff Display Technologies hereby demands a trial by jury for all issues in this case.

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Dated: September 13, 2011

Respectfully submitted,

By:



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